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SUBJECT: FURTHER ELECTORAL LAW CHANGES: MORE LEVERS OF
CENTRAL CONTROL

REF: MOSCOW 11388

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¶1. (SBU) Summary. A draft electoral law, which passed its third and final Duma reading on November 17, contains vague provisions which could be used to increase levers of central control over the electoral process. The draft would allow the exclusion of candidates who run negative TV ad campaigns against their opponents and bar candidates guilty of undefined "extremist" behavior. The same bill would do away with requirements for minimum voter turnout. Senior figures, including the Chairman of the Federation Council and the head of the Central Election Commission (CEC), oppose the bill, fearing it will further increase voter apathy. End Summary.

The Amendments

¶2. (U) A working group of Duma deputies and Central Election Commission (CEC) members resuscitated a draft electoral law which passed its first reading in July 2006 despite forceful objections by the CEC Chairman Aleksandr Veshnyakov. In the first reading, the legislation had included amendments to the Electoral Rights law that would have re-established early voting and excluded candidates who had incorrectly filled out their registration documents or been convicted of extremism. At the time, Veshnyakov spoke out forcefully against the law as discrediting the democratic process. (Reftel.)

¶3. (U) The Duma/CEC working group emerged with about a hundred amendments on November 8. While the working group dropped the early voting provision, it expanded the exclusion provisions and introduced a new provision abolishing the minimum required voter turnout. The exclusion provisions now allow candidates who incorrectly fill out their registration documents a chance to correct them. However, candidates may now be excluded if they make negative comments about other candidates in TV campaigns. The provisions dealing with negative comments, while vague, forbid candidates from: calling on voters to vote against another candidate; describing the negative consequences of voting for an opposing candidate; giving information about another candidate with negative commentary; or, creating a negative impression among voters about a certain candidate. Candidates may also be barred if they have been administratively punished for using Nazi slogans or other undefined extremist behavior.

Supporters say...

14. (SBU) United Russia Duma Deputy Aleksandr Moskalets, author of the voter turnout amendment, argued that other democracies do not require minimum voter turnouts to validate an election and that the bill is a sign of Russia's developed democracy. Tapping his worn copy of the Russian Constitution, he emphasized to us that all the election law had to do was ensure that citizens had the right to go to the polls and vote. He took issue with the notion that the candidate exclusion amendments were draconian saying that if candidates could prove that their accusations were true, then they were within their rights to make them, but claimed the burden of proof would be on the accuser. Finally, Moskalets said the bill reflected the need to keep extremist sentiments out of the political arena.

But Opposition Voices Fear...

15. (U) Commentators' responses have focused on the removal of the minimum voter requirement and been generally negative. Many conclude that Russia is not ready to take this step. They worry that Russia's apathetic electorate will see a diminished role for itself and find even less reason to participate. Therefore, the argument goes, only voters subject to the pressure of administrative resources would cast their ballots. Sergey Mironov, Chairman of the Federation Council and leading architect of the new Just Russia party, has also told the press that the removal of minimum voter turnouts is premature.

16. (SBU) Sergey Reshulskiy, Communist Party Duma Deputy, was unsparing to us in his criticism of the proposed amendments, terming them absurd. He told us the exclusion provisions would give unfettered power to the election commissions, as

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well as additional opportunities for corruption.

17. (SBU) Comment. Although the Federation Council (upper house) is not in the habit of blocking legislation, Mironov's opposition raises that possibility. More fundamentally, the legislation would cede further power to electoral commissions and regional courts to exclude candidates on vague grounds, such as "negative" TV ads, leaving them considerable leeway in interpretation.

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